

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

## **ORDER**

Plaintiff, a state prisoner appearing *pro se* and *in forma pauperis*, filed this § 1983 action alleging violations of his constitutional rights. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Charles B. Goodwin for initial proceedings. After reviewing the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), Judge Goodwin has issued a Report and Recommendation (the “Report”) recommending that the complaint be dismissed without prejudice because plaintiff’s allegations fail to state a claim upon which relief may be granted.

Plaintiff has failed to object to the Report. Plaintiff thereby waives his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see also* 28 U.S.C. § 636(b)(1)(C). Further, the court is in substantial agreement with the Report and finds that plaintiff has failed to state a claim upon which relief may be granted.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #15] and dismisses the action without prejudice.

**IT IS SO ORDERED.**

Dated this 14<sup>th</sup> day of November, 2017.



Joe Heaton  
CHIEF U.S. DISTRICT JUDGE